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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,991	09/29/2003	Joseph Scott	1291.01	2822
29637	7590	01/13/2006	EXAMINER	
BUSKOP LAW GROUP, P.C. 1776 YORKTOWN SUITE 550 HOUSTON, TX 77056			CRANSON JR, JAMES W	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,991

Applicant(s)

SCOTT, JOSEPH

Examiner

James W. Cranson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 12-27 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/26/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to because of the use of the word “ASS” in figure 1. Use of profane language is not permitted in a patent application. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the tinted in claim 7, polarized in claim 8, air filter cover in claim 15, battery cover in claim 16, motorcycle part in claim 17, automobile in claim 19, boat in claim 20, and battery in claim 21, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 10 and 11 are objected to because they are duplicates of claims 6 and 7.

The following claims have been rejected in light of the specification, but rendered the broadest interpretation [MPEP 2111]. Applicant should positively cite the structural limitations to be given full patentable weight within an apparatus claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-7, 9, 12, 13, 17-19, 21, 25, 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,478,458 to Hickman.

Hickman discloses a vehicle graphic system in an illuminated motorcycle license plate housing that includes a message bar.

Regarding claim 1 and 27:

A vehicle graphic system comprising:

- a. a replaceable, removable vehicular exterior part (12), wherein the vehicular exterior part comprises an interior side and an exterior side(figure 2);
- b. a graphic cutout (20) formed in the exterior part and extending through the interior side and the exterior side (figures 6,7);
- c. a lighting assembly (36) disposed proximate the interior side of the vehicular exterior part, wherein the lighting assembly is adapted to illuminate the graphic cutout(figure 3);
- d. power source (column 3, lines 6-9) operably connected to lighting and
- e. support bracket (10) adapted for supporting the lighting assembly on the interior side of the part.

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Regarding claim 2, according to claim 1:

Hickman discloses that a message is formed in the graphic cutout (shown in figures 3 and 6).

Regarding claim 3, according to claim 1:

It is inherent that the graphic cutout is formed by cutting, stamping or a combination thereof.

Regarding claim 5, according to claim 1:

Hickman discloses that a symbol is formed in the graphic cutout (abstract).

Regarding claim 6, according to claim 1:

Hickman discloses that a transparent material is in the graphic cutout (column 3, lines 23-33).

Regarding claim 7, according to claim 6:

Hickman discloses that a transparent material is tinted (column 3, lines 33-43).

Regarding claim 9, according to claim 1:

Hickman discloses that a transparent material lines inside of graphic cutout.

Regarding claim 12, according to claim 1:

Hickman discloses a plurality of light sources (column 3, lines 1-12).

Regarding claim 13, according to claim 1:

Hickman discloses a plurality of LED light sources (column 3, lines 1-12).

Regarding claim 14, according to claim 1:

Hickman discloses a first light source that is adapted to illuminate first portion and second light source that illuminates second portion (figure 3, different light sources 36 light up different parts of graphic system).

Regarding claim 17, according to claim 1:

Hickman discloses that vehicular exterior part is a motorcycle part.

Regarding claim 18, according to claim 1:

Hickman discloses that vehicular exterior part is a motorcycle part and is bolted on motorcycle.

Regarding claim 19, according to claim 1:

It is inherent that the license plate housing of Hickman can be used on a car.

Regarding claim 21, according to claim 1:

Hickman discloses that power source is a battery (column 3, lines 1-13).

Regarding claim 22, according to claim 1:

Hickman discloses that vehicular exterior part is adapted to illuminate independently of the vehicle (column 3, lines 1-13).

Regarding claim 23, according to claim 1:

Hickman discloses that vehicular exterior part is adapted to illuminate upon ignition of vehicle (column 3, lines 1-13).

Regarding claim 24, according to claim 1:

Hickman discloses that vehicular exterior part has a cover (figures 1,2,4 and 5)

Regarding claims 25 and 26, according to claim 1 and claim 25 respectively, wherein power source is 12 volt DC source.

Hickman discloses that power source is a vehicle battery (column 3, lines 1-13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Regarding claim 4, according to claim 3, wherein cutting comprises laser or water jet.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,478,458 to Hickman in view of US 6,739,545 to Drefs et al.

Hickman does not disclose that the graphic cutout is formed by laser jet cutting or water cutting. Drefs teaches a method for cutting using either laser jet cutting or water cutting. It would have been obvious to one of ordinary skill in the art at the time of the invention for Hickman to use laser jet cutting or water jet cutting to form the graphic cutout as taught by Dref. The reason as taught by Dref is that using a cutting element operating without contact saves money.

Regarding claim 8, according to claim 6, wherein transparent material is polarized.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,478,458 to Hickman in view of US 6,467,935 to Schwab.

Hickman does not disclose that the transparent material is polarized.

Schwab teaches in a transparent pane arrangement the construction and operation of polarizing means. It would have been obvious to one of ordinary skill in the art at the time of the invention for Hickman to use the construction and operation of polarizing means as taught by

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Schwab. The reason as taught by Schwab is that different optical effects can be produced by polarizing.

Regarding claim 15, according to claim 1, wherein vehicle part is an air filter

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,478,458 to Hickman in view of US 4,850,878 to Perotti.

Hickman does not disclose that the vehicle part is an air filter cover or battery cover

Perotti teaches in a method for sighting engine components placing indicating means atop the air filter cover and/or battery cover. It would have been obvious to one of ordinary skill in the art at the time of the invention for Hickman to use the teaching of Perotti and have the vehicular exterior part be an air cover filter and/or battery cover. The reason as taught by Perotti is that this could be clear means of advertising.

Regarding claim 20, according to claim 1, wherein vehicle part is on a boat.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,478,458 to Hickman in view of US 5,357,895 to Ceko.

Hickman does not disclose that the vehicle part is mounted on a boat.

Ceko teaches in an illuminated marine advertising vessel having a vehicle graphic system mounted on a boat. It would have been obvious to one of ordinary skill in the art at the time of the invention for Hickman to use the teaching of Ceko and have a vehicle graphic system mounted on a boat. The reason as taught by Ceko is that this could be clear means of advertising.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are US 5,566,384 to Chien, see figure 7 and US 2,370,084 to Smith.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Cranson whose telephone number is 571-272-2368. The examiner can normally be reached on Mon-Fri 8:30A.M.- 5:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O' Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).





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